

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Central Virginia Training Center
Nagler Building, AV Room, 2nd Floor
521 Colony Road
Madison Heights, Virginia 24572
Friday, April 22, 2005

ADMINISTRATIVE MEETING

8:00 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Delores Archer
Angela Brosnan
Barbara Jenkins
Carmen Thompson
Bobby Tuck
Kirby Wright

HUMAN RIGHTS STAFF PRESENT:

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Charles T. Collins, Regional Human Rights Advocate, Region I
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Frances Rose, Human Rights Advocate, Central Virginia Training Center

ISSUES:

Dr. Joyce E. Bozeman, Ph.D., Chairperson, opened the meeting. Dr.

Bozeman reported on the activities of the Participation in Decision Making Subcommittee of the H3R Advisory Committee. Dr. Bozeman asked for volunteers from the SHRC to serve on the sub-committee in her place. Carmen Thompson offered to attend the May 3, 2005 meeting. Bobby Tuck will serve as Ms. Thompson's alternate.

The sub-committee on Youth in Transition will write the main feature article for the first *Human Writes* newsletter. Margaret Walsh, State Human Rights Director, suggested asking Commissioner Reinhard for an update on the problem of community placement for youth as they age out of DMHMRSAS child and adolescent services. Ms. Walsh will draft a letter for the SHRC to send to Dr. Reinhard requesting he send staff to the July 15, 2005, SHRC meeting to provide and update on the department's activities.

Kirby Wright attended two (2) LHRC meetings in his region, Bobby Tuck attended the SVTC LHRC meeting on March 9 and Delores Archer attended the April 20 meeting of the Metro Richmond LHRC.

Charles T. Collins, Regional Human Rights Advocate, stated that Davey Zellmer plans to attend a July LHRC meeting in Region I to present certificates of appreciation to LHRC members.

The SHRC reviewed the new LHRC applicant questionnaire. Committee members will send comments to Dr. Michael Marsh, who will review the form and recommend modifications at the July SHRC meeting.

Dr. Bozeman will provide a welcome message for the newsletter. Charles Collins has submitted an article on his region to the sub-committee. Carmen Thompson will meet with Davey Zellmer, then confer with Barbara Jenkins to make a first draft.

Margaret Walsh asked committee members to review her draft of the SHRC Annual Report and consider how they want the report to be presented. Dr. Marsh suggested changes and additions to the membership information. Bobby Tuck and Barbara Jenkins recommended changes and corrections to the report.

The SHRC will devise a statement in support of a focus on recovery by August 1, 2005.

Margaret Walsh will bring the quarterly discharge lists to SHRC meetings in order to help the committee monitor progress made on timely discharges.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Delores Archer
Angela Brosnan
Barbara Jenkins
Carmen Thompson
Bobby Tuck
Kirby Wright

STAFF PRESENT:

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Charles T. Collins, Regional Human Rights Advocate, Region I
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Anne Stiles, Human Rights Advocate, Piedmont Geriatric Hospital and the Virginia
Center for Behavioral Rehabilitation
Frances Rose, Human Rights Advocate, Central Virginia Training Center
Judy Crews, Human Rights Advocate, Central Virginia Training Center

OTHERS PRESENT:

Margie Tuck, Henrico and Southside Virginia Training Center LHRC Member
Dr. Judith Goding, Ed.D., Assistant Director of Program Services, CVTC
Cindy Kemp, Executive Director, Arlington County CSB
Louise M. DiMatteo, Attorney for Arlington County CSB
D.L., Client, Present via Polycom

CALL TO ORDER:

The April 22, 2005, meeting of the State Human Rights Committee was called to order by Dr. Joyce E. Bozeman, Ph.D., Chairperson. Dr. Bozeman lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Dr. Bozeman introduced Dr. Judith Goding, Ed.D., Assistant Director of Program Services for Central Virginia Training Center. Dr. Goding welcomed the State Human Rights Committee to the training center and thanked the committee

for the important job they do in protecting consumers in the DMHMRSAS system.

MINUTES:

The minutes of the March 4, 2005 State Human Rights Committee meeting were unanimously approved as corrected.

VARIANCES:

District 19 Community Services Board

James O. Bowser, Jr., Regional Human Rights Advocate for Region IV, presented a variance extension request from District 19 Community Services Board (CSB). The CSB would like to have the variance reviewed for renewal at a later date so they may have staff present to answer questions from the committee.

The motion was made and unanimously passed to extend District 19 CSB s variance until July 15, 2005. It is noted for the record that this is a model confidential variance for the substance abuse program.

POLICIES:

Virginia Center for Behavioral Rehabilitation

Anne Stiles, Human Rights Advocate for Piedmont Geriatric Hospital and the Virginia Center for Behavioral Rehabilitation, presented her Monthly Facility Advocate Report for March, 2005.

Ms. Stiles directed the committee s attention to VCBR draft policies for the use of seclusion and for the work program, and stated that VCBR staff were available by phone should the committee wish to speak with them. Ms. Stiles answered questions from the SHRC.

1) Use of Seclusion

Barbara Jenkins raised concerns about the potential for continual use of seclusion and restraint unless specific limits are in place. Ms. Stiles stated that there are safeguards to limit the use of seclusion and restraint.

Since the SHRC is the human rights committee for VCBR, notice will be sent to the SHRC as well as to the department s office of Risk Management for all uses of seclusion and restraint in addition to data on deaths and serious injuries. The

SHRC is to be notified right away of any emergency situations, and all incidents are to be recorded in the advocate s monthly report.

Bobby Tuck asked that all policies be gender-neutral.

A motion was made and unanimously passed to approve the VCBR policy on seclusion and restraint with recommended changes. The SHRC is to be notified immediately of emergencies, deaths and serious injuries.

2) Work Program

Barbara Jenkins asked that all residents be informed that the work program may be interrupted if the program has inadequate staffing. Ms. Stiles agreed to put a statement to that effect in the program book. Suggestions were made for gender-neutrality and format changes.

A motion was made and unanimously passed to approve the VCBR policy on the work program with recommended changes, including gender-neutrality and the elimination of unnecessary numbers and letters in the outline format.

BYLAWS:

Danville/Pittsylvania County Regional LHRC

Sherry C. Miles, Regional Human Rights Advocate for Region VI, presented the draft bylaws for the newly formed Danville/Pittsylvania County Regional LHRC. The document requires the Committee to be composed of nine members and meet at least four times per year. The bylaws were reviewed and approved by the group during the January 2005 LHRC meeting. Ms. Miles reported that the meeting went well and that she believes the group will be a solid committee.

Bobby Tuck suggested the removal of the duties of secretary since the LHRC does not plan to have a secretary.

A motion was made and unanimously passed to approve the bylaws for the Danville/Pittsylvania County Regional LHRC with the removal of the duties of the secretary.

LHRC MEMBERSHIP:

LHRC Provider Members

Margaret Walsh reported that the last General Assembly determined that as of July 1, 2005, in addition to the mandated consumer member representation on LHRCs, the committees will also have a mandated provider member. Ms. Walsh suggested that the SHRC work on a document to disseminate prior to deadline of July 1 providing guidance on who is considered to be a health care provider. Ms. Walsh will draft a statement for consideration at the next meeting. Delores Archer offered to provide language used by MCV Hospital.

Appointments

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose of considering appointments to Local Human Rights Committees.

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Executive Session were discussed in the Executive Session.

The motion was made and unanimously passed to appoint the following applicants to the specified Local Human Rights Committees.

Western State Hospital

Appoint:

Ms. Elizabeth Lee Godfrey

Mr. Lyskoski Washington

Ms. Deborah Armstrong

Eastern State Hospital

Reappoint:

Ms. Mary Rickmond

Mr. Charles Loudermon

Suffolk Regional

Reappoint:

Ms. Doris S. Peterkin

Hampton Roads Regional LHRC

Reappoint:

Ms. Mary A Baylor

Universal Family Services LHRC

Reappoint:

Ms. Lessie Leary

Newport News Regional LHRC

Reappoint:
Ms. Precious Etheridge
Newport News Regional LHRC
Appoint:
Ms. Crystal Rivera
Middle Peninsula Northern Neck LHRC
Reappoint:
Ms. Barbara Vest

Southeast Alliance

Reappoint:

Ms. Jo Horvath

Southeast Alliance LHRC

Reappoint:

Ms. Sandra Malloy

NOVA Regional LHRC

Appoint:

Ms. Mary Grady-Griffith

Chesterfield LHRC

Appoint:

Dr. Analie Rademaker

Mr. Todd Yeatman

Metro Richmond LHRC

Appoint:

Ms. MacKay M. Boyer

Note: Interview rating sheets should have consistent rating marks. The current sheet uses a numbering system.

Note: Reappointment applications should have information regarding work experience and former employment, if any.

The committee will send a thank you letter to Beatrice Kerr for her application to the SHRC. There is no current vacancy on the committee. Her application will be kept on file.

Nominating Committee

Delores Archer reported that Joyce Bozeman has agreed to serve as Chairperson for another year, and Michael Marsh has agreed to serve again as Vice-Chairperson.

A motion was made and unanimously passed to appoint Joyce Bozeman as Chair, and Michael Marsh as Vice-Chair for the upcoming term of July 1, 2005 to June 30, 2006.

APPEAL:

Arlington County CSB: D.L.

A motion was made and unanimously passed that there was good cause for

the delay in consideration of the SHRC appeal due to the availability of polycom which enabled the client to participate.

This matter came before the State Human Rights Committee on appeal of a decision of the Arlington County Local Human Rights Committee. D.L. participated via video teleconferencing and brought the matter forward on his own behalf. Cynthia Kemp, Executive Director, Arlington County Community Services Board presented the case for the CSB with the assistance of Louise M. DiMatteo, attorney for Arlington County. Members present were Dr. Joyce E. Bozeman, Ph.D., Dr. R. Michael Marsh, M.S.W., M.P.A., Ph.D., Carmen AnneThompson, Kirby Wright, Bobby Tuck, Dr. Angela Brosnan, M.D., Barbara Jenkins, JD, and Delores Archer, MSW.

A motion was made and passed to go into closed session for the purpose of discussing confidential issues related to an appeal hearing.

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in the closed session.

A motion was made and passed by a vote of 7 to 1 that the actual hearing procedures employed by the Arlington County Local Human Rights Committee were adequate as conducted. There having been no violation of 12 VAC 35-15-140(E)(3), another hearing is not warranted. However, the SHRC is concerned about the length of time it took to hear the case.

A motion was made and unanimously passed that the Arlington County Local Human Rights Committee violated 12 VAC 35-115-180(E), which requires an LHRC to hold a hearing within 15 working days of receiving a petition unless this time frame is extended by the LHRC, on motion of any party or its own motion, for good cause pursuant to 12 VAC 35-115-150(D). Specifically, there was no documentation of any motions indicating that the extension of the 15 day requirement for the LHRC hearing was for good cause as required by 12 VAC 35-115-150(D).

A motion was made and unanimously passed that the SHRC upholds all findings and agrees with all recommendations made by the Arlington County Local Human Rights Committee in its decision, to include the following:

No violation of 12 VAC 35-115-50, Dignity

No violation of 12 VAC 35-115-70, Participation in Decision Making

No violation of 12 VAC 35-115- 80, Confidentiality
No violation of 12 VAC 35-115-140, Complaint and Fair Hearing

LHRC Recommendations:

- ☐ ☐ The committee recommends that D.L. be reconsidered for inclusion in the ACT program if he is currently eligible. The committee finds that D.L. and his counselor Ms. Smith exhibited mutual dislike. The committee does not find that a personality conflict with a counselor is a human rights violation but recognizes that such a conflict could have had an effect on D.L. s treatment. This recommendation is based on that possibility and D.L. s good jail record and completion of the Detention Center courses.
- ☐ ☐ That ACT post consumer rights and complaint process information in conspicuous locations.
- ☐ ☐ The ACT staff needs more training in human rights. Within the next four to six months, the LHRC asks that the CSB submit evidence in writing, including dates and lists of personnel, that staff has been trained with a special emphasis on the process of making a complaint and how consumers can be helped to understand the process.
- ☐ ☐ Clearly define the jurisdiction of the LHRC in affiliated programs at the Arlington Detention Facility between corrections and the ACT staff, the CSB and the state.

SHRC Recommendation:

- ☐ ☐ Future LHRC hearings must be held in accordance with the time frames established in the regulations, or in the case of a committee requiring an extension to that time frame, that it is done so for good cause.

The SHRC did not issue a finding on D.L. s allegation regarding 12 VAC 35-115-100, Restrictions on Freedoms of Everyday Life, because the LHRC did not issue a finding on this section.

Having no further business to
motion was made and passed to
meeting.

discuss, the
adjourn the

Respectfully submitted,

Joyce E. Bozeman, Ph.D., Chair
State Human Rights Committee